

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOEL DUDLEY and AMY LANDRY,

Plaintiffs,

v.

No. 19-cv-0984 KWR/SMV

**DIRECTIONAL PROJECT SUPPORT, INC.
and WILLIAM GARDNER,**

Defendants.

**ORDER VACATING RULE 16 INITIAL SCHEDULING CONFERENCE
AND DIRECTING PLAINTIFFS TO FILE
JOINT STATUS REPORT AND PROVISIONSAL DISCOVERY PLAN**

THIS MATTER is before the Court on the Initial Scheduling Order [Doc. 31] (“ISO”), issued on July 31, 2020. The parties have failed to file their Joint Status Report and Provisional Discovery Plan (“JSR”) as discussed at the status conference on July 31, 2020, [Doc. 30], and as directed by the ISO, [Doc. 31]. Accordingly, the Rule 16 initial scheduling conference set for October 2, 2020, will be VACATED. For a second time, the parties will be ORDERED to file their JSR.

On July 31, 2020, the Court held a status conference with the parties, at which the Court discussed the expectations for discovery at length. [Doc. 30]. Immediately following the status conference, the Court issued its ISO, ordering the parties, in pertinent part:

[to] cooperate in preparing a [JSR], *following the sample JSR available at the Court’s web site*. The parties are to fill in the blanks for proposed dates, bearing in mind that the time allowed for discovery is generally 120 to 180 days from the date of the Rule 16

initial scheduling conference. Plaintiff (or Defendant in removed cases) is responsible for filing the JSR by September 11, 2020.

[Doc. 31] at 2–3 (emphasis added, bold omitted). Instead of completing the JSR as ordered, they filed a document entitled “Report of Parties’ Planning Meeting.” [Doc. 34]. This document contains some of the same information required by the JSR—but not all. Without the JSR, the Rule 16 initial scheduling conference cannot proceed.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the telephonic Rule 16 initial scheduling conference set for October 2, 2020, be **VACATED**.

IT IS FURTHER ORDERED that the parties cooperate in preparing a JSR. Plaintiffs must file the JSR no later than **September 30, 2020**. The Rule 16 initial scheduling conference will be reset upon the filing of the JSR.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge